

REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188	
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1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE 2.May.00		3. REPORT TYPE AND DATES COVERED MAJOR REPORT
4. TITLE AND SUBTITLE FREEDOM AND THE STATE: KANT ON REVOLUTION AND INTERNATIONAL INTERFACE			5. FUNDING NUMBERS	
6. AUTHOR(S) CAPT GREMBA KAREN M				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) PENNSYLVANIA STATE UNIVERSITY			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) THE DEPARTMENT OF THE AIR FORCE AFIT/CIA, BLDG 125 2950 P STREET WPAFB OH 45433			10. SPONSORING/MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES				
12a. DISTRIBUTION AVAILABILITY STATEMENT Unlimited distribution In Accordance With AFI 35-205/AFIT Sup 1			12b. DISTRIBUTION CODE	
13. ABSTRACT (Maximum 200 words)				
14. SUBJECT TERMS			15. NUMBER OF PAGES 46	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT	18. SECURITY CLASSIFICATION OF THIS PAGE	19. SECURITY CLASSIFICATION OF ABSTRACT	20. LIMITATION OF ABSTRACT	

**Freedom and the State:
Kant on Revolution and International Interference**

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11 November 1999

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Table of Contents

Introduction	3
Kant's Philosophy of History	5
The Phenomenal-Noumenal Distinction	7
The Roles of Reason	9
The Categorical Imperative	13
The Origin of the Nation-State	15
Legitimate State Authority	18
Anti-Revolution	23
International Politics	30
Hegel, Freedom and the State	35
Conclusion	39
Bibliography	45

Introduction

Anyone familiar with Kant's moral theory might guess that he would support resistance or opposition to a government that fails to respect the autonomy of its citizens. At the heart of Kant's moral theory we find the autonomous agent, the person who acts out of an obligation to duty, without regard to external incentives or inclinations. Rather than associating the dignity of a person with wealth or social status, Kant maintains that every person has dignity because each has the capacity to rationally determine the moral law. It follows from this that the Kantian state is one in which everyone is entitled to equal respect before the law. In fact, Kant contends that the rational nature of humanity "is the supreme limiting condition of every man's freedom of action" (GMM 37)¹. Thus, Kant contends that coercion by the state should only be used insofar as it is necessary in order to protect each person's freedom.

Of course Kant recognizes the existence of governments that employ a broader use of coercion than is necessary to allow such protection. And he certainly witnessed examples of political circumstances in which the dignity of persons was disrespected. In some of those cases, other scholars have argued that resistance to the government was necessary in order to establish conditions that would permit individuals to act in accordance with their own will. But Kant's moral condemnation of revolution and of international interference is firm and clear. Even when subjects are faced with an "intolerable misuse of supreme power," Kant maintains that there can be no moral justification for rebellion (MM 145)². Similarly, Kant denies the right of any state to interfere in the government of another state even when that government is despotic (PP 118)³. In this paper, I will reconstruct Kant's arguments against such measures and will attempt to illustrate what Kant's position in each of these scenarios implies about his conception of the state. I will then consider whether

¹ All parenthetical citations with the abbreviation GMM refer to Kant's work The Grounding for the Metaphysics of Morals.

² All parenthetical documentation with the abbreviation MM refer to Kant's essay "The Metaphysics of Morals".

Kant's denial of the right to revolution and international interference is consistent with the ideal of autonomy that is central to his moral theory.

This project focuses on the question of whether or not it is ever morally permissible to use force in order to bring about more just political conditions. In a given state, we can typically find a common moral system and an established judiciary system to settle disputes. Even within states, however, it is conceivable that the ruling party could subject citizens to systematic brutal conditions. When the rights guaranteed by a constitution are thus violated by the institution that is presumed to protect those rights, the question of whether citizens can morally resort to revolution arises. Even more troubling is the question of an international right to interfere in an existing government. Can a foreign government have a moral obligation to provide military assistance to the subjects of a despotic government? Any attempt to answer this question would suggest the existence of moral standards that transcend individual political systems. As long as there is no global government, however, we cannot appeal to a single authority to make decisions about such standards.

As citizens, we often become concerned about the actions and policies of our political representatives. We might even question the extent of our obligation to obey our nation's laws. Even when we are satisfied with our nation's domestic policies, we might still question its foreign policy. For example, do we as a nation have a right or even an obligation to assist foreign peoples in armed resistance to their own government? The answers to such questions depend upon how one defines the nation-state. More specifically, we should consider how a state comes into existence and how it can be dissolved.

In his essay "On the Common Saying 'This May be True in Theory but Does Not Apply in Practice'," Kant argues,

even if the power of the state or its agent, the head of state has violated the original contract by authorizing the government to act tyrannically, and has thereby, in the eyes

³ All parenthetical documentation with the abbreviation PP refer to Kant's essay "Perpetual Peace, A Philosophical Sketch".

of the subject, forfeited the right to legislate, the subject is still not entitled to offer counter-resistance (TP 81)⁴.

We will see that Kant's denial of the right to revolution is rooted in his unique conception of the nature of the state. Kant considers the contract that unites individuals in a society to be one of "exceptional nature" (TP 73). Unlike other contractual unions that individuals join in order to achieve some end, the social contract forms a union that all persons *ought* to join (TP 73). In fact, Kant argues that human beings have a duty to join the social contract. The factors that make this contract exceptional are rooted Kant's theories of reason and morality.

Kant argues that it is possible to locate the necessity of the state in pure practical reason alone. Unlike the prudence-based theories of Hobbes and Locke, Kant's theory involves a *duty* of human beings to form social contracts. As a result, the Kantian state has a greater significance than the Hobbesian or Lockian state. In order to understand this departure, we will first explore the two distinct forces operating in Kant's view of history. We will then consider the self-legislating role of pure practical reason and its priority over the theoretical use of reason in Kant's thought. These considerations will help us to see why Kant assigns greater value to a state required by pure practical reason than to one that is justified in purely prudential terms.

Kant's Philosophy of History

Despite his moral opposition to rebellion and international interference, Kant of course acknowledges that these events do occur and that they often lead to an improved political atmosphere. In fact, he seems to have borrowed from Adam Smith's invisible hand argument which holds that conflicts among individual private interests will lead to the common good. In Smith's view, the invisible hand operates without our knowledge and despite our intentions. Kant identifies rebellions and wars as creations of nature whose invisible hand orchestrates the progress of humankind. Further

⁴ All parenthetical documentation with the abbreviation TP refer to Kant's essay "On the Common Saying 'This May be True in Theory but it does not Apply in Practice'".

examination of this point requires a look at the two forces at work in Kant's philosophy of history. For Kant, the innate self-interests that lead human beings to war, on the one hand, and their capacity to act in accordance with the commands of practical reason, on the other, represent two distinct forces at work in history. Kant describes the first force in the "Idea for a Universal History with a Cosmopolitan Purpose" as the "unsocial sociability" of human beings. According to Kant, there is an unsocial propensity "rooted in human nature" (IUH 44)⁵. By endowing human beings with tendencies for violence and selfishness, nature ensures a certain amount of competition and antagonism among them. The simultaneous propensity for sociability, however, ensures that human beings cannot bear to isolate themselves from one another no matter how much resistance and antagonism they might face. Thus, individuals are aggravated by others into developing their own natural capacities in order to remain competitive.

Kant explains that this unsocial sociability leads human beings to establish nation states within which their natural capacities can develop. Once independent states have been established, however, conflict and competition arises between states. Initially this conflict leads to war. But the sociable aspect of human nature once again comes into play. Nation states begin to rely on one another for trade and commerce. They recognize the importance of a stable international environment for the realization of maximum benefits from interstate commerce. Furthermore, attempts to use military force in order to resolve conflicts become progressively more expensive. Thus, Kant argues that nation states will ultimately realize that it is in their best interest to establish leagues for peace in order to create an international environment that is suitable for commercial progress.

Kant argues that rational beings are capable of discovering moral imperatives that will demand the same leagues for peace as are guaranteed by the invisible hand of nature. Nature's guarantee should not be seen as a reason to neglect the moral obligations that aim toward the same end. To simply allow nature to lead humankind to perpetual peace would deny the capacity of human

⁵ All parenthetical citations with the abbreviation IUH refer to Kant's essay "Idea for a Universal History with a Cosmopolitan Purpose".

beings to choose moral action. Kant argues that humans are capable of discovering what ought to happen regardless of what experience tells us about what has happened or does happen. Humans should direct their actions according to this moral ought rather than allowing themselves to be blindly led by the inevitable workings of the hand of nature. It is important to note that Kant is not concerned with the actual existence of either of the forces described in his philosophy of history. Our observations of the world around us do not explicitly confirm the operation of a hand of nature. Nor can we be sure from such observations that humans are truly free to follow rationally imposed laws. Kant suggests, however, that we can supply such forces mentally in order to conceive of human history as meaningful. For Kant, the teleology of nature and the idea of a free will are each ideas of reason which cannot be verified in experience but which can allow us to think about our lives as moral beings. This claim might be better understood if we consider Kant's distinction between phenomena and noumena.

The Phenomenal-Noumenal Distinction

In order to understand the seemingly contradictory claim that human beings are determined by nature and at the same time free to discover laws that are not given in experience, we must consider Kant's distinction between noumena and phenomena. When we think of human beings as determined by causes outside of themselves, we regard them as phenomena. Kant describes phenomena as "representations that come to us without our choice (such as those of the senses)" and he argues that these representations "enable us to know objects only as they affect us" (GMM 52). When we think of humans as free, we regard them as noumena. This concept regards things that are inherently unknowable to human beings. The noumenon lies outside of our experience and can never be subjected to empirical observation. Because we can only know objects as they affect us through our senses, Kant argues that we can only have knowledge of appearances and never of things-in-themselves. It is the realm of things-in-themselves that Kant refers to as the noumenal realm. Kant

refers to this realm as intelligible because although it always remains beyond our experience, it is thinkable to us (CPR 467)⁶.

As phenomena, rational beings are affected by inclinations and impulses. When we act on these impulses, we act heteronomously. That is, we are governed by causes that are independent of our own will. Although we may experience our inclinations and impulses as originating within ourselves, these experiences belong in the phenomenal realm. Our inclinations are determined by our physical and psychological nature and many of them make us selfish and disagreeable beings. In fact, Kant contends that human beings are naturally inclined to demonstrate malevolence, selfishness, jealousy, greed and sloth. We cannot choose these inclinations, however, and if they alone determine our actions then we cannot understand ourselves as being responsible for our behavior. Kant argues, however, that human beings do think of themselves as beings that possess a free will. That is, we understand ourselves to have a moral personality that lies beyond our sense impressions.

Kant gives an illustration of this claim in the Critique of Pure Reason in an example of a person who has told a malicious lie. The individual's empirical circumstances include a "defective education, bad company, . . . the viciousness of a natural disposition insensitive to shame, . . . levity and thoughtlessness" (CPR 477). Despite these circumstances, Kant argues, we can blame the agent. Our blame, Kant argues,

is based on a law of reason whereby we regard reason as a cause that irrespective of all the above mentioned empirical conditions could have determined, and ought to have determined, the agent to act otherwise. This causality of reason, we do not regard as only a cooperating agency, but as complete in itself, even when the sensuous impulses do not favor but are directly opposed to it; the action is ascribed to the agent's intelligible character; in the moment that he utters the lie, the guilt is entirely his. Reason, irrespective of all empirical conditions of the act, is completely free, and the lie is entirely due to its default
(CPR 477).

In this passage Kant suggests that when we blame someone for their actions, we assume that they were free to act otherwise. We might even say that they "ought" to have acted otherwise. When we say that an agent ought to have acted in a certain way even when it appears obvious that empirical

⁶ All parenthetical citations with the abbreviation CPR refer to Kant's Critique of Pure Reason.

circumstances determined that the agent act otherwise, we assume that there is some determining cause other than those empirical circumstances that could have caused the agent to act. According to Kant, this other cause is reason and we can only think of reason as having causality under the idea of freedom (GMM 54).

Kant understands rational beings as belonging to the intelligible realm. He argues that through reason, we are able to find moral laws that lie outside of experience and thus, we must think ourselves to be free to act upon these laws. We must believe that we are capable of acting intentionally and therefore independently of nature. Furthermore, the maxims for the actions of rational beings must be determinable *a priori* or without reference to prior experience. Only by assuming such autonomy can individuals make sense of their will. According to Kant, freedom is a necessary condition for the possibility of ethical action. Unless we are capable of choosing duty over inclinations, we cannot be held responsible for our actions (GMM 49). This freedom to be governed by reason alone allows us to be masters of ourselves. It also means that the capacity to act morally is always within our own power even when certain circumstances are beyond our control. We have seen the importance of this freedom in Kant's philosophy of history. Only if we choose to establish a goal of international peace can the approximation to such a goal have any moral worth. The achievement of peace as a result of the workings of nature does not require the contribution of free and rational beings and therefore has no moral content.

The Roles of Reason

As we have seen, we cannot find evidence of human freedom within the empirical knowledge that we have of ourselves. But Kant argues that human reason strives to know the ultimate nature of things even though this knowledge is unachievable. Rather than abandoning a belief in human freedom, Kant argues that the knowledge we can achieve through empirical observation does not exhaust reality. In the Critique of Pure Reason, he addresses the limits of scientific knowledge. He concludes that what we can know is limited to what we can experience through our senses.

Experience provides us with content for our knowledge but Kant further contends that this content is nonsensical without the contribution of our understanding. By making use of a priori categories, our understanding goes beyond what is given in experience in order to arrive at knowledge. Since the understanding adds something of its own to our knowledge, we can never know the 'things in themselves' or what things really are prior to their constitution in our consciousness. Furthermore, Kant argues that reason attempts to give unity to all of our experience. It tries to order the objects of our knowledge into a coherent system (CPR 533). Thus, it often transcends the limits of our possible experience in its pursuit of an ordered whole. Kant emphasizes the importance of recognizing that reason cannot know anything by itself. For example, our conception of God is an idea of reason that helps us to make sense of the order and origination of our cosmos but we cannot know whether or not God actually exists.

According to Kant, human reason is employed in different ways. Specifically, he describes the speculative, theoretical and practical uses of reason. In its speculative employment, reason attempts to bring what is under the scope of its ideas. Speculative reason is concerned with ideas for which there is no empirical evidence and it can only conclude that these ideas are logically possible. For example, we can never conclude from our speculations about God and immortality that these concepts actually exist. Kant argues that any claims for progress or truth in this area of reason are illusions, but he maintains that we can have faith in the concepts of speculative reason. In fact, these concepts are necessary, according to Kant, for the coherence of theoretical and practical reason (CPR2 44)⁷. For example, we cannot find empirical evidence that supports our concept of human freedom but it is necessary for us to believe in human freedom if we are to think ourselves capable of making moral decisions.

Kant calls the employment of reason that is associated with science theoretical reason. The theoretical use of reason helps us to understand the phenomena in our world. These phenomena are things as we experience them and for this reason the content of theoretical reason is limited to things

that are given to us in experience. Furthermore, our knowledge of phenomena can only be consistent with how they appear to us. A simple example of a use of theoretical reason might be an attempt to understand why an apple is red. We can find a chemical explanation for the coloration of its skin and an optical explanation for the reflection of light from the red end of the color spectrum. These types of explanations can have truth-value and it is possible for humans to make progress in their knowledge of such things. Like most other natural objects that we experience, apples follow causally predictable laws such as the laws of gravity and biochemistry. The theoretical employment of reason allows us to organize the sense impressions that we experience in an ordered and systematic way. By ordering the data that our senses perceive, we can make sense of those perceptions. We must always keep in mind this contribution that reason makes to our knowledge of the world around us and we must keep in mind that theoretical reason is only useful in understanding sensuous experiences.

Because ideas such as human freedom or a teleological view of nature do not originate in experience, they become problematic when we attempt to understand them by employing a theoretical use of reason. Kant refers to such ideas as "concepts of reason" or "transcendental ideas" (CPR 315). We cannot find examples of these ideas in experience precisely because they are concepts that transcend our experience. Since theoretical reason requires the existence of material objects as the content for its employment, transcendental ideas are theoretically "empty" (CPR 270). We should recall here the claim that the knowledge gained through our observations of material objects does not exhaust reality. In addition to the laws that help us to understand what actually happens in our world, Kant argues that we can discover laws that tell us what ought to happen. These laws allow rational beings to determine how they should act regardless of how they are naturally inclined to act. The determination of such laws occurs within the practical employment of reason. It is reason in its practical employment that could have determined the agent in the malicious lie example to act otherwise.

⁷ All parenthetical citations with the abbreviation CPR2 refer to the Critique of Practical Reason.

While theoretical reason helps us to understand a multitude of objects that we experience in our world, practical reason is only concerned with the human will. In fact, in the Critique of Practical Reason, Kant says that the will is "merely the practical use of our pure reason" (CPR2)⁸. It is the capacity of the human will to determine a maxim for action independently of external causation that distinguishes rational beings from animals. In the Critique of Pure Reason, Kant defines the 'practical' as "everything that is possible through freedom" (CPR 632). Even though science cannot help us to discover whether or not a moral agent is free, the agent must believe that he is free if he is to act in accordance with the dictates of his will. Being autonomous, the moral agent can obey laws that are determined by pure reason alone, independently of empirical observation or anthropological study. The only motive for acting in such a situation is an understanding of the obligation to obey the moral law.

Because human beings will always be faced with the inclinations and desires that their senses perceive, they will often have difficulty choosing to act morally. Inclinations and reason will often present opposing courses of action. When one acts in accordance with natural inclination, the action will have no moral value. This is so regardless of how many people might benefit from the action. According to Kant, decisions based merely on inclinations "would not have required the will of a rational being, in which the highest and unconditional good can alone be found" (GMM 13). Hence, a decision can only have moral worth when it has been rationally determined. It is in this freedom of rational beings to choose the moral law over natural inclinations that Kant finds the dignity of human beings.

⁸ (Also GMM 23)

The Categorical Imperative

As we have seen, Kant argues that every rational being has an inherent capacity to determine autonomously whether or not a given behavior is morally permissible. This is so regardless of an individual's social status, educational level or historical location. Kant emphasizes that in order to apply as laws, the maxims for our actions must be universally applicable for all rational beings. That is, moral laws are objective in nature. They command universally and necessarily without any exceptions regarding social circumstances or expected consequences. Because our practical reason informs us of moral laws, and thus allows us to act as self-legislating agents, it takes priority over the other two uses of reason that Kant identifies.

Kant proposes that rational beings are capable of discerning moral laws in the form of categorical imperatives. These laws are binding for all rational beings regardless of particular circumstances. Kant distinguishes categorical imperatives from hypothetical ones that tell us how to act in order to achieve a certain outcome. For example, the statement, "you ought to join civil society if you want to survive" is a hypothetical imperative. A categorical imperative tells one simply "you ought to join civil society". In this case, the desire to satisfy the moral law is the only motive for action. The individual need not consider any hypothetical advantages to be gained or consequences to be avoided.

Kant offers several formulations of the categorical imperative that allow us to test the moral permissibility of a proposed course of action. The first formulation states "Act as if the maxim of your action were to become through your will a universal law of nature" (GMM 30). Kant suggests that this mental exercise is "the canon for morally estimating any of our actions" (GMM 32). As an example, he considers the act of making a promise to repay a loan with the intention of not keeping it. Upon considering such an act, Kant asserts that one must be able to will the universal application of the maxim, (obtaining a loan by means of a false promise), at the same time that one adopts that maxim for action (GMM 31). In order for the promise to have the desired effect, (attainment of the loan) one would have to presuppose the institution of promising. By willing the universal application

of the maxim however, one would at the same time invalidate all promises. Those with the means to provide loans would refuse to do so, knowing that they could not rely on a promise to be repaid. Hence, Kant argues that the maxim would destroy itself. Once this has been recognized, practical reason pronounces an obligation to refrain from making false promises as a categorical imperative. This imperative commands unconditionally regardless of what the agent ultimately chooses to do.

As we have seen, the first formulation of the categorical imperative provides individuals with a capacity for self-legislation. Likewise, the second formulation also helps individuals to independently determine the moral permissibility of a proposed course of action. Kant presents this formulation as follows: "Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means" (GMM 36). The concepts of rationality and universality are still important here. We must universalize the conception that we have of ourselves as rational beings and treat all other persons as rational beings as well. That is, we must at all times recognize the self-legislating capacity of others. This formulation does not require that we never treat other rational beings as means to an end. Rather, it requires that we never treat them as a means only. There are numerous examples in our daily life where people are treated as means to particular ends. Kant insists, however, that one must also have a regard for the rights and interests of individual persons who are always ends in themselves. He refers to the principle of regarding every rational being as an end in itself as "the supreme limiting condition of every man's freedom of action" (GMM 37). That is, one can only exercise freedom to the extent that one at the same time respects the autonomy of others. This notion will become important as we consider Kant's argument for the necessity of the use of coercion by the state.

The final formulation of the categorical imperative contains a combination of the previous two but it emphasizes that the ideal moral world is a *community* of persons. It requires that "every rational being must so act as if he were through his maxim always a legislating member in the universal kingdom of ends" (GMM 43). According to this formulation, we must imagine a kingdom in which every subject is also sovereign and each is treated as an end, and never as a mere means.

Thus, each individual is both subject to and author of the laws. Each is equally responsible for formulating the laws that all must follow and each will always be aware of their own obligation to obey the laws that they create for others. By presenting a kingdom of ends as an idea of reason, Kant identifies the state, albeit an ideal one, as a moral ideal. We will see the importance of this as we consider Kant's justification of legitimate state authority.

When a person makes a decision by appealing to any of the formulations of the categorical imperative, he or she acts in a law-like manner. The person is able to rationally determine rules and act in accordance with those rules. This capacity of rational beings to make laws for themselves allows them to act as autonomous agents. As we will see, Kant proposes that governments should provide a legal structure that respects this autonomy. As we discuss Kant's conception of the origin, nature and dissolution of the nation-state, we will consider whether or not the respect for autonomy that is demanded by reason is given sufficient attention in Kant's political philosophy.

The Origin of the Nation-State

Kant's justification of the state is closely linked with his moral theory. Unlike other political theorists that preceded him, Kant denies the appropriateness of determining laws according to an empirical analysis of human behavior. By observing how human beings have acted in the past, or how they are inclined to act in certain circumstances, one might simply conclude that human beings always obey the mechanical workings of nature. Such a conclusion would ignore the human capacity for making a priori determinations for how persons ought to act. Kant argues that a political system based on this conclusion would simply use nature for the government of men thereby denying the concept of right (PP 117).

Although Kant rejects the types of justifications for the state as proposed by theorists such as Thomas Hobbes and John Locke, his description of the state of nature is similar to that of Hobbes. Both Hobbes and Kant ask us to imagine the condition of human interaction without any laws. Such a condition is devoid of right. Every individual is free to act solely according to self-interest.

According to Hobbes, this 'state of nature' is virtually a war of "every man against every man" (Hobbes 76). Humans must exit this condition and accept a legislative and executive authority if they are to ensure their survival. Thus, Hobbes contends that self-interest leads to the common good. Kant agrees that nature has assured the survival of humankind in this way. He reminds us, however, that actions taken for the sake of prudence may be effective but we cannot assign them any moral value. Kant suggests that we can justify the origin of the nation-state not simply out of necessity but also from a moral point of view. That is, we can and should recognize a *duty* to leave the state of nature and to enter civil society. This duty is based on the possibility of moral freedom that is offered within a civil state. Authority and law can be seen as ethical and right when one recognizes that only within the protection of such mechanisms can rational beings truly become autonomous.

Thus, Kant's philosophy of history is discernable within his discussion of the origin of the state. We can see the hand of nature working to accomplish something that rational beings are also capable of accomplishing on their own. Kant discusses the natural forces at work in the origin of the state in his essay the "Idea for a Universal History with a Cosmopolitan Purpose." Here he argues that whether or not we have a duty to form civil laws, we will recognize the necessity of exiting the state of nature:

Man, who is otherwise so enamoured with unrestrained freedom, is forced to enter this state of restriction by sheer necessity... [T]heir inclinations make it impossible for them to exist side by side for long in a state of wild freedom (IUH 46).

It is also in this essay that Kant describes the unsocial sociability of humankind. The constant antagonism that is present when egoistic individuals must live together in society rouses human beings from a natural tendency to be lazy and complacent. They begin to develop their talents in order to survive in a competitive environment. In this discussion Kant concedes that after civil society has been established, there will continue to be strife between individual persons. Even in a law-governed society, the natural egoistic tendencies of the citizens will not subside. These self-serving inclinations can however, effect a positive outcome. Through progressive attempts to win

honor and power within society, individuals can develop their ingenuity and inventiveness and gradually improve their rational capacity (IUH 44-45).

So far, Kant's description of the origin of the nation state is not much different from that of Hobbes. Kant differs from Hobbes in his attempt to account for the necessity of the state from a moral perspective. He argues that rational beings are capable of understanding the necessity of civil laws for their moral autonomy and development. Of course, Kant maintains that morality is internal in nature. Only an individual who can rationally and independently determine the moral law is truly autonomous. But he also maintains that no one can experience moral autonomy outside of the state. This is not to say that the state can enforce moral laws, but it does create an environment in which moral autonomy can develop. In effect, Kant assumes that we can only expect individuals to deal with one another fairly when they are subject to a common authority. Civil society is designed such that even citizens who are opposed to one another in their private attitudes will conduct themselves "as if they did not have such evil attitudes" (PP 113). By establishing coercive public laws, the state "enables the freedom of each individual's will to coexist with the freedom of everyone else" (MM 133). Here we see the role of the state in enforcing the "supreme limiting condition of every man's freedom of action" (GMM 37). Only under such conditions, according to Kant, can we begin to speak of right or justice.

Although the civil constitution can provide the necessary conditions for justice and right, it cannot ensure that individuals will behave in a just manner. According to Kant, a "nation of devils" is capable of creating an organized civil state (PP 113). Such a state can assure the survival of its citizens but it cannot prescribe or enforce moral laws. The essence of the moral law is that it allows individuals to govern themselves. The state cannot demand that individuals make moral decisions but it can ensure that no one can interfere with the right of another to pursue moral ends. This protection provides individuals with the freedom that allows them to adhere to the moral law. Kant expresses this claim in the "Idea for a Universal History": "The highest purpose of nature- i.e. the development of all natural capacities- can be fulfilled for mankind only in society, and nature intends that man

should accomplish this, and indeed all his appointed ends, by his own efforts" (IUH 45). Because Kant believes that the development of the natural capacities of rational beings can only take place in society, he contends that "any *legal* constitution, even if it is only in a small measure *lawful*, is better than none at all" (PP 118n). We will soon see that the moral progress allowed by the establishment of nation-states makes the development of such states a necessary first step on the road to perpetual peace.

Legitimate State Authority

According to Kant, the state provides individuals with the opportunity to legislate themselves. He supports this claim in his discussion of the Universal Principle of Right: "Every action which by itself or by its maxim enables the freedom of each individual's will to co-exist with the freedom of everyone else in accordance with a universal law is *right*" (MM 133). Thus, actions taken by the state in order to enable such freedom are *right*. Kant recognizes that human actions will continue to be influenced by natural instincts for violence even after persons have entered into civil society. Thus, individuals are likely to continue their attempts to hinder the rights of others in order to gain benefits for themselves. Responding to this possibility, Kant writes: "any coercion which is used against [them] will be a hindrance to a hindrance of freedom, and will thus be consonant with freedom in accordance with universal laws – that is, it will be right" (MM 134). Thus, Kant's idea of *right* "entails the authority to apply coercion to anyone who infringes it" (MM 134). This coercion allows the maximum exercise of the will in a condition where the activity of an individual is necessarily impacted by the behavior of others.

Kant appeals once again to the idea of the non-lawful state of nature in which all individuals act according to their whim. In such circumstances, there is no one to arbitrate when two individuals enter into a dispute and right becomes the will of the stronger. Kant claims that a state of right becomes possible only when individuals submit to the universal will of a legislative head of state (MM 144). These individuals give their right of coercion to an external body that has authority over

all. This legislative body has sole authority to pronounce legally valid decisions and thus secures for each citizen a legally protected status. Rather than being subject to the will of the stronger, individuals can appeal to the state when other citizens fail to respect their rights. Each individual is thus guaranteed an equal opportunity to function as an autonomous being.

In his article entitled "Kant and the Right of Rebellion," H.S. Reiss explains that the rule of law in a Kantian state is based on "the mutual respect which men ought to entertain towards one another" (Reiss 181). Law gives men freedom by limiting the freedom of each man equally. It ensures that no one's freedom is interfered with excessively or arbitrarily (Reiss 181). This theory presupposes that without law, rational beings will not necessarily demonstrate the mutual respect that they "ought" to entertain towards one another. In fact, Kant admits that "each of them will always misuse his freedom if he does not have anyone above him to apply force to him as the laws should require it" (IUH 46). This problem is solved within a civil state by the establishment of a governing body to act as the master of the state. According to Kant, "[man] requires a master to break his self-will and force him to obey a universally valid will under which everyone can be free" (IUH 46). Of course, this master must come from the human race and this presents a critical problem for Kant. He considers the task of finding such a master to be "the hardest of all; indeed, its complete solution is impossible, for from such crooked wood as man is made of, nothing perfectly straight can be built" (IUH 18). Thus, Kant admits that it is impossible to find a human being who can embody his idea of an ideal sovereign. He makes it clear however, that citizens must accept the overpowering authority of a leader whose decisions must be held above reproach. That is, they must accept a sovereign that is at least an approximation to reason's ideal.

According to Kant, the republican constitution offers the most suitable environment for moral development while recognizing the need for political authority. Such a constitution requires the separation of the executive power from the legislative power (PP 101). Kant argues that this separation is necessary to prevent the despotism that is likely to prevail when laws are made and executed by the same power. The laws in such a state will only "reflect the will of the people in so

far as the ruler treats the will of the people as his own private will" (PP 101). Kant has little doubt that a ruler who controls both the legislative and executive powers would tend to rule in his own interest. He suggests that human beings have a tendency to want to maximize the exercise of their power and to exempt themselves from the laws that they want others to follow. It is for this reason that he argues that it should not be "expected that kings will philosophize or that philosophers will become kings; nor is it to be desired, however, since the possession of power inevitably corrupts the free judgment of reason" (PP 115).

A Kantian republican constitution is based on three principles: the *freedom* of individuals to pursue happiness in their own way; *equality* among citizens who each have the same moral status; and the *independence* of living under laws that one has created for oneself (TP 74). Here we see a resemblance to Kant's moral theory. Like the members of a moral community, the state should allow its citizens to obey themselves. That is, no one should be forced to obey laws to which they could not have given consent. Additionally, the worth of each person should be equally respected regardless of status or education. No one can be legally obligated to obey a law that is not equally binding for all other citizens. According to Kant, each of these principles is respected in a constitution that conforms to the universal principle of right by ensuring "the restriction of each individual's freedom so that it harmonizes with the freedom of everyone else" (TP 73). This restriction of freedom requires the use of coercion by the state authority in order to enforce its laws.

Kant's answer to the problem of legitimate authority is similar to that of Rousseau in The Social Contract. According to Rousseau, human beings lose their natural liberty by entering a social contract but they exchange it for moral freedom "which alone renders man truly master of himself" (Rousseau 19). This self-mastery can be achieved in a society where public laws reflect the "general will" which represents the common interests of everyone in the society. Rousseau argues that by entering the social contract, an individual forms a contract with himself. Given the assurance that social laws will be a reflection of one's will, one agrees to obey those laws or accept the consequences. Those consequences can be viewed as just because they will only be imposed if one

disobeys one's own will. In summary of this program, Rousseau claims that each person will be "forced to be free" (Rousseau 22). By this Rousseau means that no one in the Social Contract can surrender their role as legislating members of society. Furthermore, as much as each person is an indivisible member of the "general will" that is sovereign, each must also be held accountable to the laws that the general will creates.

Kant similarly employs the idea of a united will of the people in order to explain the duty of citizens to obey the law. In the "Metaphysics of Morals," he argues, "only the unanimous and combined will of everyone whereby each decides the same for all and all decide the same for each - in other words the general united will of the people can legislate" (MM 139). When individuals recognize that the laws are compatible with the commands of their own will, they will recognize a duty to obey those laws. It is important to note here that Kant does not call for any kind of vote from the people. Rather he provides a negative test that the head of state should apply to any proposed laws. This mental exercise requires the head of the state to consider whether it is possible that an entire people could agree to a proposed law. If it is possible, then it is the duty of the citizens to consider the law as just (TP 79). Thus, Kant only requires that the government be a republic in spirit. That is, it must provide laws that *could have been* created by the people. This requirement satisfies the principle of equality in the Kantian constitution. By consulting the common will, a legislator cannot adopt laws that distribute liberties or punishments unequally. No particular segment of society can receive benefits or exceptions if the laws are created according to the general will. This logic closely resembles that of the categorical imperative. As long as laws are made according to the united will, they will not permit exceptions according to individual circumstances. That is, they will apply equally for all.

Perhaps we can agree that laws created according to a united will ensure the principle of equality. But how can Kant claim that an individual's freedom is preserved under such laws? One might fear that an individual's freedom to pursue unique goals would be hindered in a society that is legislated by the common will. The fact that these laws will be enforced by a coercive power is even

more suggestive of a loss of individual freedom. Kant is clear however, that human beings retain their freedom in a lawful civil state:

And we cannot say that men within a state have sacrificed a part of their inborn external freedom for a specific purpose; they have in fact completely abandoned their wild and lawless freedom, in order to find again their entire and undiminished freedom in a state of lawful dependence (i.e. in a state of right), for this dependence is created by their own legislative will (MM 140).

The concerns that such a claim might invoke are well stated in Isaiah Berlin's discussion of positive and negative liberty. Berlin calls attention to a manipulation of the concept of 'self'. He describes the common experience of distinguishing the self that makes irrational or unwise decisions from the 'real' self that is often identified with reason (Berlin 132). He argues that from this idea, "enlightened" leaders have justified the practice of making decisions for "ignorant" citizens who are blind to their true reasonable selves (Berlin 133). By claiming to know what their subjects "truly need better than they know it themselves," such leaders, Berlin argues, have put themselves in a "position to ignore the actual wishes of men or societies" (Berlin 133). He warns that some leaders feel justified in such attempts because of their "secure knowledge that whatever is the true goal of man... must be identical with his freedom – the free choice of his 'true', albeit often submerged and inarticulate self" (Berlin 133).

Even more controversial than Kant's claim that individuals remain free under coercive laws, is his assertion that the actual head of state must not be subject to this coercion. "For he alone is not a member of the commonwealth, but its creator and preserver, and he alone is authorized to coerce others without being subject to any coercive laws himself" (TP 75). Here we see the beginning of Kant's argument against rebellion.

Anti-Revolution

Kant's anti-revolutionary stance is clearly articulated in his "Theory and Practice" essay. Here, he claims that a right to revolution would be contradictory since it would require a third party to arbitrate between the rights of the people and the authority of the ruler. He argues:

the people under an existing civil constitution has no longer any right to judge how the constitution should be administered. For if we suppose that it does have the right to judge and that it disagrees with the judgement of the actual head of state, who is to decide which side is right?... There would have to be another head above the head of state to mediate between the latter and the people which is self-contradictory... The decision must rest with whoever controls the ultimate enforcement of the public law, i.e. the head of state himself. Thus no one in the commonwealth can have a right to contest his authority
(TP 81-82).

This argument is based on Kant's conception of the social contract. Individuals must submit themselves to public laws in order to gain the protection that membership in a civil state offers. Unless citizens agree to obey the legal pronouncements of the head of state, they cannot be assured that their own rights will be protected. The idea of a constitution that allows revolutionary action would be contradictory since it would involve a right of the people to disregard or overrule the sovereign. A party that can legally overrule the sovereign would necessarily be the highest power in the state. This would degrade the capacity of the state to offer protection to its citizens for such protection can only be guaranteed when the decisions of the executive power are held to be legally binding and final. In fact, Kant claims that a maxim that allows resistance to the sovereign "would destroy the whole civil constitution and put an end to the only state in which men can possess rights" (TP 81).

In his essay "Kant and the Right of Revolution," Lewis W. Beck describes Kant's first argument as a "point of boring obviousness, namely that there can be no legal right to revolution" since revolution abrogates positive law (Beck 414). But it seems that Kant's objection goes much deeper than this. In the Metaphysics of Morals, he argues that "revolution under an already existing constitution means the destruction of all relationships governed by civil right and thus of right all together" (MM 162). This brings us back to the "exceptional nature" of the nation-state. According

to Kant, the conditions of right and justice are nullified as soon as the head of state is unseated. In fact, he holds the formal execution of an overthrown monarch to be "the complete reversal of all concepts of right" (MM 145n). "For a state of right," according to Kant "becomes possible only through submission to his universal legislative will" (MM 144). This means that revolution does more than abrogate positive law. It destroys (according to Kant) the very existence of right and thereby destroys the possibility for humans to exercise their rational autonomy.

Kant gives a second argument in opposition to revolutionary action in his essay "Perpetual Peace, A Philosophical Sketch". He claims that the injustice of a plan for rebellion is apparent from the fact that it would have to be kept secret (PP 126). Publication of an intention to rebel, he argues, would be likely to frustrate revolutionary efforts. Kant presents a simple formula which this intention does not (in his opinion) pass: "All actions affecting the rights of other human beings are wrong if their maxim is not compatible with their being made public" (PP 126). If an open declaration of one's intentions would bring about opposition and resistance, this is an indication that those intentions are wrong. Like the universalization formula of the categorical imperative, this mental exercise addresses Kant's concern that individuals are inclined to exempt themselves from laws that they want others to follow. If one finds such universalization to be problematic, that is, if one would not want others to adopt the same maxim, then it is likely that the maxim is morally wrong. Similarly, if one has reason to hide an intended maxim from others, then it is likely that the maxim is wrong. Kant adds that this test is only negative; it tells us that our maxim is not right. We cannot be sure however, that a maxim which can be publicly declared without frustration is necessarily right. In fact, he points out that the head of state does not have to worry about his own aims being frustrated upon their publication since he possesses "irresistible supreme power" (PP 127). That does not mean however, that all of the actions of the head of state must be morally sanctioned.

Both of Kant's arguments against revolution are based on questionable assumptions. In the first argument, he suggests that a revolution would destroy "all of the relationships governed by civil right" (MM 162). It does not seem to follow from the inception of a revolution however, that *all* of

the relationships governed by right will necessarily be destroyed. The constitution may remain intact and the people may continue to respect the rights of one another. They may simply agree that the head of state has failed to perform the duties entrusted to him by the constitution in a just manner. Furthermore, it is conceivable that the "relationships governed by right" could have been destroyed by the head of state long before the initiation of any revolutionary action. Kant provides tests for the rightfulness of laws but provides little recourse for the members of societies in which those tests are systematically disregarded. The sacredness of the Kantian state lies in its capacity to allow citizens to govern themselves; to live according to laws to which they have given their consent. According to Kant, the legislative power belongs to the united will of the people and "since all right is supposed to emanate from this power, the laws it gives must be absolutely *incapable* of doing anyone injustice" (MM 139). Yet Kant denies any right to use forceful resistance when a legislator disregards the universal will. He argues that such resistance would result in lawlessness but he does not consider that a state of lawlessness might already be in effect. It would seem that a legislator who imposes laws that could not possibly win the consent of the combined will of the people, has himself created a state of lawlessness by Kant's own definition.

Kant's second argument against revolution is even more telling of the difficulty that arises when the legislator is given irresistible power. He restates his rule of publicity as follows:

For a maxim which... I cannot publicly acknowledge without thereby inevitably arousing the resistance of everyone to my plans, can only have stirred up this necessary and general (hence a priori foreseeable) opposition against me because it is itself unjust and thus constitutes a threat to everyone (PP 126).

Although the citizens might not be able to lawfully frustrate the public plans of a supreme power, it is certainly conceivable that the public announcement of a new law or policy could, in fact, arouse resistance. If the sovereign is capable of anticipating such resistance, then according to the rule of publicity, he should thereby recognize his plan as unjust. The people in this scenario have no recourse in the Kantian state where the sovereign has irresistible power.

In his Second Treatise of Government, John Locke argues that a head of state who acts in contradiction to the trust of the citizens, puts the government in a state of war with the people. He contends that a legislator who uses his power to alter the conditions under which the people consented to be governed is himself guilty of rebellion (Locke 114). Rather than asserting as Kant does, that a rebellion by the populace results in a destruction of the relationships governed by right, Locke argues that those relationships have already been destroyed when the state authority acts in opposition to the common interest. Under such conditions, the continued preservation of the state becomes jeopardized and according to Locke, the people have a right to remove the "aggressor" by force (Locke 81).

Locke's argument is based upon his distinction between the dissolution of society and the dissolution of government. He argues that the appointment of persons to fill government positions occurs after the inception of a political society. Therefore, the dissolution of a society necessarily entails the dissolution of its government but a society can remain intact when its government has been dissolved. Locke offers a list of circumstances by which a government might be dissolved. For example, when the "prince sets up his own arbitrary will in place of the laws" or when he alters the ways of election without the peoples' consent, the government is dissolved from within (Locke 108-109). According to Locke, human beings enter into civil society in order to preserve their property. The authority of the legislator to set laws for the society is given in order to achieve this end. Locke argues that "it can never be supposed to be the will of the society, that the legislative should have a power to destroy that which everyone designs to secure, by entering into society, and for which people submitted themselves to legislators of their own making" (Locke 111).

The answer that Locke gives to the question of rebellion differs from Kant's answer partly because of his very different view of the state of nature. Locke does not agree with the Hobbesian description of the state of nature. Rather, he defines the state of nature as the condition of "men living together according to reason, without a common superior on earth, with authority to judge between them" (Locke 15). Even before the institutionalization of civil law, Locke argues that reason teaches all humankind that they ought to refrain from harming one another. He carefully

distinguishes the state of nature from the state of war, which he defines as the use of force without right (Locke 15). The state of war can be found both in the state of nature and within civil society.

If we accept Locke's conception of the state of nature, it does not seem as critical for humans to exit this condition. Indeed, Locke does not base his justification of state authority on an argument for human survival. Rather, he argues that the establishment of a civil government will help humans to resolve the issue of safeguarding their property. Given this justification of state authority, it does not seem as critical to avoid a return to the state of nature. Post-revolution conditions will not necessarily equal the anarchy that Kant describes if humans are able to continue living together as rational beings.

In Locke's description of the origin of the state, we see a consensual agreement being made by rational beings in order to improve their circumstances. We imagine individuals agreeing with one another to elect officials who will create laws that all citizens will agree obey. Locke assumes that each individual will have the capacity to give tacit or voluntary consent to the contract. This image differs greatly from that of Kant. Despite his explanation that the general will is the source of all laws in a society, Kant does not view the transition out of the state of nature to be one that can be decided according to the general will. Rather, he argues:

Since an additional unifying cause must therefore overrule the differences in the particular wishes of all individuals before a common will can arise, and since no single individual can create it, the only conceivable way of executing the original idea in *practice* and hence of inaugurating a state of right, is by *force* (PP 117).

Thus, Kant presumes that force is initially necessary to induce natural human beings to enter civil society. A common will cannot arise until a state of right has been established which, requires the lawful coercive power of the state. Kant later suggests that individuals may gradually reach a point where they will act lawfully from a "mere idea of the law's authority" but such conditions can only come about after coercive legal authority has been in existence for an extended period of time (PP 118). And if this gradual point is ever to be reached, coercive legal authority must be viewed as irresistible.

Despite Kant's firm position against resistance to state authority, he maintain that subjects do have inalienable rights against the head of state. In "Theory and Practice," he argues against Hobbes' claim that the head of state cannot do injustice to a citizen. In fact, he describes this proposition as "quite terrifying" (TP 84). Rather than argue as Hobbes does that citizens have *no* rights against the head of state, Kant specifically argues that citizens have no *coercive* right against the head of state even if the public laws are unjust. The citizens should however, be given the right to publicly criticize the existing laws and institutions. Kant contends that a ruler who denies this right, not only ignores the rights of the people, but also forfeits an opportunity to gain critical knowledge of opinions which might contribute to the improvement of the state⁹. Furthermore, Kant never suggests that subjects should obey orders issued by the head of state that contradict the moral law.

Thus, Kant does recognize the probability of finding defects in political constitutions and he advocates the "freedom of the pen" to allow individuals to express their desire for reform (TP 85). However, this reform must be enacted from the top down. Alterations to the constitution can only be affected by the sovereign (MM 146). In the meantime, the subjects must patiently await the evolution of a more just civil constitution. Indeed, Kant holds the establishment of a perfectly just civil constitution to be "the highest task which nature has set for mankind" (IUH 46). And although the perfect constitution may never be formed, he contends that it is the duty of humankind to continually strive for this ideal (PP 143).

Given this supposed duty to approximate to the ideal constitution, one might desire to employ the quickest means available. In fact, Kant acknowledges that a revolution can quickly lead to the establishment of an improved constitution. This possibility can never be used, however, to justify the use of revolutionary action. Kant argues that, while one has only an imperfect duty to contribute to the progress of mankind, one has a perfect duty to obey established law. It is not immoral therefore,

⁹ When Kant suggests that the rulers might benefit from the public exchanges of ideas, he seems to be specifically referring to the ideas of philosophers. In "Perpetual Peace," he writes "Kings... should not, however, force the class of philosophers to disappear or to remain silent, but should allow them to speak publicly. This is essential to both in order that light may be thrown on their affairs" (PP 115).

to refrain from contributing to the progress of mankind but it is immoral to disobey the public law. Thus, a commitment to the duty to establish a more just constitution does not provide justification for rebellious activity. Nor can we expect to quickly bring our ideals into existence. In the Critique of Pure Reason, Kant discusses the impracticability of attempting to actualize the ideal.

But to attempt to realize the ideal in an example, that is, in the field of appearance,... is impracticable. There is indeed something absurd, and far from edifying, in such an attempt, inasmuch as the natural limitations, which are constantly doing violence to the completeness of the idea, make the illusion that is aimed at appear altogether impossible, and so cast suspicion on the good itself - the good that has its source in the idea - by giving it the air of being mere fiction (CPR 486 - 487).

Evidence of Kant's point here can be found in the outcome of many revolutionary efforts. Consider revolutions that have promised the realization of utopic ideals such as the moral perfection of human beings. The failure of revolutionaries to realize this ideal, may cast doubt upon the possibility of achieving moral perfection among human beings. What is more damaging, according to Kant, is the possibility that moral perfection might come to be seen as a fictitious illusion that should not even be held as a human goal.

Despite Kant's ban on revolutionary action, he does consider valid any constitution that has been implemented as a result of a successful revolution. In such cases, Kant maintains that the revolting subjects have "done the greatest degree of wrong in seeking their rights in this way" but he argues that the citizens have a duty to obey the new constitution (TP 82). Kant's position in this regard illustrates his conception of the social contract as an idea of reason (TP 79). Citizens must not consider the social contract to be something that actually exists. Nor should they even speculate about the origin of the state. Rather, reason requires "men to obey the legislative authority now in power, irrespective of its origin" (PP 143). The idea of the social contract demands that the legislator form the laws "as if" they had been produced by the united will of the people. Recall that, "if it is at least *possible* that a people could agree to [a law]," then it is the duty of the citizens to consider the law as just (TP 79). The origin of the constitution is thus irrelevant to the duty to obey the laws.

International Politics

We have seen that Kant denies the citizens of a state the right to employ violent means to overthrow a corrupt or ineffective government. It is not surprising then, to find that he also denies that right to external states. Kant admits that there may be "plausible enough arguments for the use of violence on the grounds that it is in the best interests of the world as a whole" (MM 173). Indeed he recognizes that "a violation of rights in one part of the world is felt everywhere" (PP 108). But he is committed to the idea that each state is an autonomous "moral person" and that no state has authority over any other (PP 94, 96). Even more importantly, Kant rejects any arguments that attempt to justify the use of violence so that good may result. Kant expounds upon these ideas in his "Perpetual Peace" essay in which he argues that lasting peace will never be achieved as long as states accept war as a way to determine right.

In "Perpetual Peace," Kant argues that rational beings have a moral duty to establish lasting peace (PP 116). He also claims that nature "guarantees perpetual peace by the actual mechanisms of human inclination" (PP 114). As we have seen, however, the methods of nature involve increasingly violent and destructive wars that will eventually compel humankind to find more peaceful solutions to their international differences. Kant argues, "what one neglects to do will ultimately occur of its own accord, though with a great deal of inconvenience" (PP 124). This inconvenience amounts to the horrors and tragedies of war that the natural inclinations of humankind will surely bring about until the fear of absolute destruction becomes so overwhelming that they are compelled to seek other ways of resolving conflicts. Combined with this motivation from fear will be one of economy. According to Kant, wars will become so costly that citizens will demand that their governments find other ways to achieve their international goals. Kant maintains that although these provocations to end war are driven by the human instincts for survival and self-interest, rational beings are also capable of responding to the demands of morality. Thus, even though nature might incline human beings to destroy one another until they can take it no more, they must not ignore reason's "irresistible veto"

that "there shall be no war" (MM 174). As autonomous beings, they are capable of escaping nature's miserable means to ultimate peace and establishing peace by their own will (IUH 18-19).

In his description of the process that can bring about perpetual peace, we clearly see Kant's commitment to the autonomy of independent states. Kant maintains that as long as there is no international arbiter, states remain in a state of nature in relation to one another. In this condition, it is natural for states to "press for their own rights by waging war" (PP 116). Kant argues that it is possible for rational beings to work their way out of this condition. In fact he argues that "reason absolutely condemns war as a means of determining the right and makes seeking the state of peace a matter of unmitigated duty" (PP 116). This duty cannot be achieved by states in the same manner that it can be achieved by individuals. Rather, Kant holds the establishment of perpetual peace to be the end of a long historical process that involves the work of many successive generations.

As we have seen, the first step in this process is the establishment of independent republican constitutions. Coercive laws ensure the protection of rights within these republics. The protection of rights in the international realm is another matter. Kant clearly contends that the relationship between a sovereign and subjects is not analogous to the relationships between nations. In fact, he acknowledges that we might expect civilized people to demand a hasty escape from the international state of nature in order to form a common constitution. On the contrary, he argues that "each state places its majesty... in being subject to no external juridical restraint" (PP 103). Kant does not believe that states share the obligation which human beings have to abandon the state of nature "for as states they already have an internal juridical constitution and have thus outgrown compulsion from others to submit to a more extended lawful constitution, according to their idea of right" (PP104).

According to Kant, if states were to respond to their warlike international condition in the way that individuals solved the state of nature problem, it would mean the abolition of states. An international agreement to a single constitution would require the submission of states to a designated external body. This measure amounts to the formation of a global government and the dissolution of independent states. Kant finds an international state of war among nations to be preferable to a world

government. He argues that laws would progressively lose their impact in a government with so broad a range and that despotism would emerge, crushing the soul of the good. This would induce a gradual decline into eventual global anarchy (PP 125).

Instead of a world state, Kant contends that it is necessary to establish a federation of states or a "league of peace" in which the member states will help to protect one another from external aggression. This federation should be gradually expanded and its goal will be to end all wars forever (PP 117). This league will not have a supreme authority, however, and it will have no power to coerce its members. Nor will it create any laws that member states must follow (PP 117). Finally, Kant adamantly denies the right of this federation to use force in order to coerce other states to join its cause. As long as states exist in the state of nature, none have rights over any others.

Although Kant does not suggest that states should follow the pattern of individuals by submitting to one common authority, he does draw a parallel between individual persons and individual states. He describes states as "moral persons" and argues that each is capable of mastering itself. In this respect, the state does reflect Kant's description of an individual rational being. Kant begins "Perpetual Peace" by outlining six preliminary articles that must be gradually agreed to by states wishing to join the federation for perpetual peace. A look at a few of these articles reveals Kant's firm commitment to the autonomy of individual states.

The second Preliminary Article states,

No independently existing state, whether it be large or small may be acquired by another state by inheritance, exchange, purchase or gift. Like a tree, it has its own roots and to graft it on to another state as if it were a shoot is to terminate its existence as a moral personality and make it into a commodity. This contradicts the idea of the original contract, without which the rights of the people are unthinkable (PP 94).

This article makes clear the importance of maintaining independent and autonomous states that cannot be combined in order to form new states. Such manipulation would fundamentally alter or even terminate the original states.

The fifth preliminary article of Perpetual Peace provides further evidence of Kant's position regarding the autonomy of independent states. This article states that "No State Shall by Force

Interfere with the Constitution or Government of Another State" (PP 96). Even when a nation witnesses scandal or lawlessness in a neighboring state, Kant argues that interference is not justified.

Rather, the offensive state should:

serve as a warning to others, as an example of the great evils which a people has incurred by its lawlessness. And a bad example which one free person gives to another is not the same as an injury to the latter (PP 96).

Thus, the international community should not interfere when a particular state is experiencing turmoil or unrest. At most, other states should check their own constitutions against that of the troubled state in order to ensure that similar problems will not arise internally. If an external nation were to interfere, Kant argues the autonomy of all states would thereby become insecure. The state, in Kant's view "is a society of men whom no one else has any right to command or to dispose except the state itself" (PP 94). This anti-paternalistic argument places the preservation of state autonomy ahead of the threat to the peace of states that share borders with the troubled state.

Perhaps Kant's most illustrative statement regarding his commitment to maintaining separate states is in his description of the nature of the federation of states: "a voluntary gathering of states which can be dissolved at any time, not an association which like that of the American states is based on a political constitution and is therefore indissoluble" (MM 171). Not only does Kant prefer the continued threat of war between states to the formation of a global government, he does not even want the federation for peace to be a permanent, indissoluble body. Individual states must always retain the option to quit the federation.

While Kant insists that states cannot be "welded together as a unit," he also maintains that as long as states remain independent from one another there will always remain the threat of war (PP 102, 105). This suggestion is important in light of Kant's definition of peace. He is not satisfied with treaties that merely suspend hostilities. By their nature, such treaties admit of an anticipation of future war. In fact, he calls "perpetual peace" a redundant term because according to him, there can be no peace unless the possibility of future war has been abolished (PP 107). Thus, true peace is perpetual by definition. It means the end of all hostilities. We can see, however, that Kant does not

find such an end to be immediately achievable. He admits that there will be a long period of time in which states will remain in a state of war. In fact, he provides guidelines for how states should conduct themselves during this period within the preliminary articles for perpetual peace.

According to the sixth article, a state which recognizes its duty to pursue perpetual peace "shall not permit such acts of war as shall make mutual trust impossible during some future time of peace" (PP 109). Particularly, Kant prohibits the use of spies, assassins and breaches of surrender (PP 109). This passage is noteworthy because it is one of the only passages in which Kant provides any guidelines for how nations should conduct themselves during war. This article also emphasizes Kant's denial of quick solutions. His moral condemnation of war as a means to determine right could not be more clear. He refers to war as: "the source of all evils and moral corruption," (CF 183)¹⁰, "the destroyer of everything good," (CF 187) and "the greatest obstacle to morality and the invariable enemy of progress" (CF 189). But he is also clear that there is no immediate solution to the condition of an international state of war. The primary aim of the articles for perpetual peace is to end all wars forever but until that end is achieved, individual states should adopt measures within war that will not destroy the possibility of future peace.

Even if states do not eliminate their chances of future peace, it does not seem likely that they will actually achieve it as long as they remain in a state of war with one another. Kant maintains that violent clashes are inevitable as long as states retain their sovereignty, but he refuses to diminish that sovereignty. Responding to this apparent contradiction, Kant states: "It naturally follows that perpetual peace, the ultimate end of all international right, is an idea incapable of realization (MM 142). How then, can we ever hope to end war? This is where Kant makes an appeal to nature as the guarantor of perpetual peace. In his book Philosophers of Peace and War, W.B. Gallie suggests that this guarantee might have been better introduced as a rebuttal to the natural objection that Kant's federation for peace "is bound to collapse, given the ineradicable and overpowering egoism, meanness, deceitfulness and distrustfulness of human nature" (Gallie 28). By appealing to a

guarantee by nature, Kant responds to the feeling of hopelessness that might result from basing speculations about the possibility of peace among human beings on empirical evidence. Regardless of whether or not there is any evidence that supports a claim that peace is possible, reason demands that we continue to strive for its realization. Recall Kant's suggestion that we should mentally supply the idea of a hand of nature. Only by supplying this idea of reason can we make sense of our duty to strive for perpetual peace.

In his essay "Speculative Beginning of Human History," Kant suggests that the achievement of perpetual peace is only possible within a "perfect culture":

At the stage of culture at which the human race still stands, war is an indispensable means for bringing it to a still higher stage; and only after a perfect culture exists (God knows when), would a peace that endures forever benefit us, and thus it is possible only in such a culture. (BH 58)¹¹.

Gallie compares Kant's steadfast hope for perpetual peace despite such strong statements against its probability to his defenses of God, freedom and immortality. Since we cannot disprove the existence of such things, we are entitled to believe in them even though we can "never know or understand how" they can exist (Gallie 28). This belief is valuable to us as rational beings. If we believe that perpetual peace is the end to which human history is directed, we can understand our moral actions as aiding and perhaps even hastening the progress toward this goal.

Hegel, Freedom and the State

It may be helpful to consider Hegel's political thought before discussing the merits and difficulties of Kant's thought. Like Kant, Hegel employs the idea of an invisible hand, arguing that the conflicting self-interests of human beings unconsciously lead to the end-goal of history. Recall, however, that Kant views morality and nature as separate and distinct forces that simultaneously drive humans toward ultimate peace. Kant maintains that morality cannot be attributed to beings that are

¹⁰ All parenthetical citations with the abbreviation CF refer to Kant's essay "The Contest of Faculties".

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determined by natural forces. When an action is done for the sake of interests or inclinations, it is heteronomously determined and therefore has no moral value even if it coincides with duty. Only actions done for the sake of duty have moral worth because they involve the rational guidance of an autonomous agent. Thus, any progress that is motivated by interests in commerce, trade and wealth must be distinguished from the progress of human beings dutifully obeying the commands of reason. Only progress in the latter case has moral value. In Hegel's view, this distinction is a mistake. He does not regard the process by which conflict leads to progress as one that is opposed to morality. Rather, Hegel views particular interests and other empirical factors as inseparably linked to the realization of the universal. Morality is, for Hegel, rooted in passions, interests, customs and traditions.

In order to understand Hegel's criticism of the Kantian view of morality we should consider his distinction between *Moralität* and *Sittlichkeit*. *Moralität* is the form of morality that Kant describes and *Sittlichkeit*, is a form of morality that Hegel holds to be inappropriately absent from Kant's view. Charles Taylor explains that *Moralität* involves "an obligation to realize something which does not exist" (Taylor 376). This obligation "holds of me not in virtue of being part of a larger community life, but as an individual, rational will" (Taylor 376). It presupposes a capacity of the individual will to determine the moral *ought* while detaching itself from sensible reality. In contrast, *Sittlichkeit* "refers to the moral obligations I have to an ongoing community of which I am a part" (Taylor 376). These obligations are based on established norms and customs. Without *Sittlichkeit*, Hegel argues we are left with an inadequate view of freedom.

According to Kant's notion of freedom, selfish interest must be separated from the rational will. Hegel argues that in these terms, freedom can only be internal. The actualization of freedom requires the existence of external phenomena that allow it to emerge into existence. While Kant ascribes freedom to any person who determines how he ought to act through practical reason alone, Hegel argues that this freedom is meaningless without the "springs of action" that motivate the person to actualize the ought. In his Introduction to the Philosophy of History, Hegel argues,

a principle, or rule, or law is something internal which, whatever truth it has within it, is not completely actual... The activity which puts them into operation and into existence is that which stems from human need, drive, inclination, and passion (IPH 25)¹².

Needs and interests, then, cannot be separated from morality. Hegel explains,

This imponderable mass of wills, interests and activities- these are the tools and means of the World Spirit for achieving its goal, to elevate it to consciousness and to actualize it... and although need and interest are unaware of the end-goal, the universal is still implicit in particular goals and fulfills itself in them (IPH 28).

Hegel suggests that it is the "cunning of reason" to use human passions as tools to achieve its end-goals. (IPH 35). Taylor explains that the idea of an invisible hand is an example of what Hegel means by the cunning of reason. The invisible hand, says Taylor, "represents the force of the universal" (433). The universal attains objective reality in the institutions of society as an unconscious result of individuals pursuing their own private interests. This objective reality then turns back to shape the individual in society.

Hegel's position is illustrative of his denial of the phenomenal-noumenal distinction in Kant's thought. Only if we accept Kant's phenomenal-noumenal distinction, can we understand the notion of internal freedom that is never frustrated by external circumstances. Given the formal nature of the categorical imperative, one can detach oneself from contingent events and determine laws that are universally applicable. Thus, for Kant, morality can be found in abstraction from all aspects of a person's cultural and historical placement. Duty can be determined independently of conditions and interests. Hegel contends that this way of determining morality is too abstract. It fails to account for the circumstances in which the activity will be actualized.

Hegel emphasizes the error of separating the moral exercise of reason from empirical circumstances. The realization of freedom for Hegel requires the support of the external world. If external obstacles restrict a person's actions, the 'ought' may never be made actual. For this reason, Hegel argues that moral life is inextricably linked to social life. An individual can only be understood as a part of a wider whole. The family, civil society and the state are essential to morality. They help

¹² All parenthetical citations with the abbreviation IPH refer to Hegel's Introduction to the Philosophy of

to define how an individual will think and act. These groups provide individuals with opportunities for purposive action. In the Philosophy of Right, Hegel claims that the individual only has an ethical life as a member of the state (PR 156)¹³. He argues, "the state in and by itself is the ethical whole, the actualization of freedom; and it is an absolute end of reason that freedom should be actual" (PR 279).

Kenneth Westphal explains that state authority is justified for Hegel because of its necessary role in securing human freedom (243). On this point, Westphal defends Hegel against the common objection that his political philosophy endorses the status quo. Westphal points out that Hegel is not satisfied with just any communal structure. He insists that it be a "structure that in fact aids the achievement of individual freedom" (Westphal 256). The norms and institutions of a state are "justified only insofar as they make a definite and irreplaceable contribution to achieving individual freedom" (Westphal 256). When these conditions exist, Westphal adds, "individuals will affirm their community as fulfilling their aims, requirements, and needs" and only then can they freely engage in their society (256). The activities of the government such as crime prevention, price controls, public education and poverty relief allow individuals to make reliable plans for conducting their lives. In the absence of such regulations, their freedom is compromised (Westphal 258).

We can see then, why Hegel says, "a state is well constituted and internally strong if the private interests of the citizens is united with the universal goal of the state, so that each finds its fulfillment and realization in the other" (IPH 27). As we have seen, private interests lead to the universal and the universal in turn, shapes the individual. It is this fit between the individual subject and their objective reality that Hegel refers to as *Sittlichkeit*. This fit not only requires that the government provide the structures and institutions that are necessary for individual freedom but also that individuals actually claim that freedom. Stephen Houlgate explains that according to Hegel, persons are "only truly free, and so bearers of rights, in so far as we claim our freedom, in so far as we will freedom as our object" (Houlgate 88). It is for this reason, Houlgate tells us, that Hegel does

History.

¹³ All parenthetical citations with the abbreviation PR refer to Hegel's Philosophy of Right.

not believe in natural rights. The status of having rights requires that I consciously recognize myself as having a free will and that I commit myself to fulfilling the obligations that freedom entails. Understood in this way, the exercise of individual freedom does not have to be opposed to state authority. Unlike contractual theories which view state authority as a necessary limitation of freedom, Hegel's conception finds state authority as "something which has been determined as necessary by freedom itself" (Houlgate 84).

Hegel's view of freedom in the state is helpful because it addresses the possibility that one's circumstances, even under legitimate state authority, might forbid one from being free in a significant way. Houlgate uses the example of slavery to illustrate Hegel's position in this regard. Houlgate explains that Hegel finds slavery to be 'absolutely unjust' and holds that persons have a moral duty not to allow themselves to be enslaved. He quotes Hegel, "a people need not let itself be downtrodden", but could fight against enslavement, even if they might die in the attempt" (Houlgate 88). In this example, we find acknowledgement that degraded political circumstances may require rational beings to oppose the exercise of state authority in order to claim their individual freedom.

Conclusion

We have seen that Kant calls the social contract a contract of exceptional nature. This designation is based upon the exercise of freedom that entry into the social contract permits. Kant establishes the legitimacy of state authority by arguing that the state creates the conditions necessary for the realization of individual freedom. The goal of his ideal republican constitution is to make the exercise of individual freedom possible. Kant does not consider, however, that a state might systematically destroy the possibility of individual freedom. He establishes that the state is a necessary condition for the exercise of freedom but he does not demonstrate that it is a sufficient condition. His denial of revolution is grounded in his belief in the necessity of positive laws in order to protect individual freedom. This denial extends even to despotic constitutions which may

ultimately undermine the conditions necessary for individuals to become conscious of freedom. It would seem that a state that does not in fact create conditions for the exercise of freedom should lose its exceptional status on Kant's own terms, and thereby forfeit the privilege of the absolute protection that Kant demands.

All governments use coercive power to enforce their laws and Kant gives ample justification for why this coercion is necessary. But he claims that persons who become members of a state do not sacrifice any freedom. More specifically, he argues that members of a state "find again their entire and undiminished freedom in a state of lawful dependence (i.e. in a state of right)" (MM 140). This claim seems to be dependent upon the actual creation of a state of right. A state of right, according to Kant, exists when the instruments of government enable the freedom of each individual's will to co-exist with the freedom of everyone else in accordance with a universal law (MM 133). It does not seem that actions taken by the state that universally violate the freedom of all citizens are *right*. When torture, murder, slave-labor, and starvation are sanctioned as legitimate uses of government coercion, a state of right clearly does not exist. The twentieth century has witnessed Nazi death camps, Soviet slave labor, the murderous regime of Pol Pot in Cambodia, and numerous other abuses of human freedom all carried out under state authority. In such totalitarian regimes, the whole of society is considered legitimate domain for government control. Religion, economics, cultural practices, and child rearing are all subject to regulation. In fact, totalitarian governments typically aim to transform beliefs, economic systems, social relations, and values.

This is not to suggest that Kant would approve of such abuses. It is not even likely that Kant could have envisioned the likeness of modern totalitarian regimes. Such regimes violate virtually every aspect of Kant's moral theory. Citizens are clearly treated as means to the government's ends. But as soon as we grant that institutionalized coercion is necessary to protect individual autonomy, we should also realize the capacity of the institutions that control the instruments of coercion to destroy that autonomy. Government coercion, in Kant's view, is justified by the principle of right which aims to enforce the 'supreme limiting condition' - the consideration of every rational being as

an end in himself - by protecting individuals from one another. But where there are no institutions in place to hold rulers accountable for the ways they exercise their power, the protection of the "supreme limiting condition" cannot really be guaranteed and the citizens seem to have gained little by entering the social contract. The state may ensure that individual citizens do not interfere with the outer freedom of others but in some cases there are no controls on the use of state power. Kant effectively argues for the separation of powers in an ideal republic. He wants to avoid the despotism that is likely to result when laws are made and executed by the same power. Noting the tendency of human beings to maximize their own power, he is doubtful that the laws effected under such circumstances would truly reflect the will of the people. But he leaves few options for subjects who are faced with a despotic government, especially one that denies the right to free speech.

We should recall that on Kant's terms, even totalitarian regimes do not interfere with the freedom of the will. Individual freedom is separated from the realm of empirical experience leaving that freedom intact regardless of external circumstances. Berlin points out,

Kant's free man needs no public recognition for his inner freedom. If he is treated as a means to some external purpose, that is a wrong act on the part of his exploiters, but his own 'noumenal' status is untouched, and he is fully free and fully a man, however he may be treated (Berlin 156).

In fact, Berlin notes that some thinkers espousing totalitarian doctrine have claimed to be Kant's disciples (Berlin 152).

Recall also that a law in the Kantian republic is to be considered just if the legislator determines that it is possible that an entire people could agree to it. This leaves the legislator to appeal to his own reason in order to determine the justness of his laws. Citizens who disagree with the laws may be perceived as inappropriately influenced by their desires and inclinations. In Berlin's view, this method of determining just laws opens the door to the rule of experts (Berlin 152). He offers a hypothetical deliberation of a legislator who wishes to employ Kant's mental exercise for determining just laws.

If I am a legislator or ruler, I must assume that if the law I impose is rational (and I can only consult my own reason) it will automatically be approved by all members of my

society so far as they are rational beings. For if they disapprove, they must, pro tanto, be irrational; then they will need to be repressed by reason: whether their own or mine cannot matter, for the pronouncements of reason must be the same in all minds. I issue my orders and if you resist, take it upon myself to repress the irrational element in you which opposes reason. My task would be easier if you repressed it in yourself... But I am responsible for public welfare, I cannot wait until all men are wholly rational (Berlin 152-153).

Even if the subjects under such a ruler can engage in public debate, their views and opinions can always be disregarded or repressed.

We have seen Kant's argument that subjects have rights against the ruler. Their principle right is the right to publicly criticize the ruler. It follows from this that the laws must be made public so that the subjects have the opportunity to criticize them. We must recall, however, that only the sovereign has the right to compel. The citizens do not have coercive power. Thus, when freedom of speech or public access to laws are denied, the citizens have no power to enforce their rights. They have no way of critically engaging the people who are ruling them. In extremely degraded political circumstances, they may not even be able to think the possibility of critically engaging the government. Wherever a government legislates, it backs its laws with coercive power. Thus, the scope of government control is significant to human freedom. When a government assumes comprehensive control over all aspects of its citizen's lives, the subjects may lose sight of their own autonomy. As Hegel emphasizes, the state plays an important role in shaping individual self-consciousness. Kant, of course, opposes expansive government control. He clearly denounces governments that oblige citizens to "rely upon the judgement of the head of state" to choose what will make them happy (TP 74). Regarding paternalistic governments, he remarks,

Such a government is the greatest conceivable despotism, i.e. a constitution which suspends the entire freedom of its subjects, who thenceforth have no rights whatsoever. This right of freedom belongs to each member of the commonwealth as a human being, in so far as each is a being capable of possessing rights (TP 74).

Here, Kant acknowledges that the freedom of subjects is suspended in a despotic government but as we have seen, he counsels patience rather than revolution even in these circumstances.

Kant's counsel of patience, however, is based upon a belief that the hand of nature will accomplish what human moral action cannot. This idea of reason is one that we must believe in to make sense of human history and to make sense of our duty to aid in the progress toward this goal by making moral choices. But when Kant determines that the creation of a world state is implausible, he concludes,

It naturally follows that perpetual peace, the ultimate end of all international right is incapable of realization. But the political principles which have this aim, i.e. those proposals which encourage the formation of international alliances designed to approach the idea itself by a continual process, are not impracticable. For this is a project based on duty, hence also upon the rights of man and of states, and it indeed can be put into execution (MM 171).

Here it becomes difficult to understand exactly how the patient citizen who faces enslavement, engineered famines, or even torture and death can justify his own patience.

Kant's theory of right is conceived within a republican constitution, one that guarantees freedom, equality, and independence for all citizens alike. His denial of the right to rebellion, however, is absolute. It holds in any state that has a legal system in place. Laws according to Kant are necessary to protect external freedom of citizens and revolution contradicts the existence of laws. He argues that the wrongful nature of revolution is apparent by the fact that publication of an intention to rebel would frustrate revolutionary efforts. Consider, however, a state where citizens are deprived of the rights to read, write, practice certain arts, choose their own professions or criticize their government. If they were to publicize an intention to engage in public debate or to gather in a peaceful protest, their plans would most assuredly be frustrated. In this case, the test of publication seems to illuminate a problem in the extent of government control rather than in the intentions of the citizens.

A final point to be considered concerns Kant's argument that a government established by a successful revolution must be accepted by the citizens who are not to seek another rebellion. This argument applies most appropriately to a single state in which a revolutionary group is dissatisfied with current conditions and decides to overthrow the existing government and install a new one. This

model does not reflect many of the actual scenarios of revolution that have occurred in history. Many existing societies consist of citizens living in a territory that was formerly an independent nation which was overtaken by a neighboring state. Kant addresses wars of accession and he supports the right of individuals to take up arms against an invading force. In fact, the second article of Perpetual Peace states "no independently existing state, whether it be large or small may be acquired by another state" (PP 94). This leaves us to wonder how the citizens who fail to defeat an invading force are to understand themselves in relation to their new government. Presumably, they are to obey the new government and are not to make plans for rebellion. To demand this type of transition seems to deny the sense of national identity that the newly assessed citizens are certain to possess. If these individuals do not identify themselves as members of the new state, they are not likely to have any actual sense of freedom that the state is presumed to provide.

Ultimately it appears that Kant's desire for order in the state overrides his moral demands for the inviolable status of human dignity. Thus, the notion of autonomy which is central to his moral philosophy seems to lose its priority to other concerns within the state. Nonetheless, Kant's hope for perpetual peace can still serve as a guide for the moral politician. If human beings are free agents capable of making moral contributions to the progress of human history, it seems to follow that we should make a deliberate effort to contribute to the realization of international harmony.

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